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117

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,472	01/29/2004	Akira Yoshinaga	008312-0307912	3738
909 7590 03/26/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER MOFFAT, JONATHAN	
			ART UNIT	PAPER NUMBER
			2863	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/766,472

Applicant(s)

YOSHINAGA ET AL.

Examiner

Jonathan Moffat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/29/04, 8/12/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Item 20 in figure 3. Item 20 in figure 5 is mentioned, but these appear to be different components of features. If this is the case then one reference number should be changed so that each is uniquely identified. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 3 is objected to because of the following informalities: This claim makes reference to "the product identification data" though no such data has been indicated in the parent claim (claim 1). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Riedel (US pat 5870698).

With respect to claim 1, Riedel discloses an apparatus comprising:

1) A unit which inputs a state of an operating quality for a change in the operating condition (Fig 2 items 102 and 114).

2) A storage process unit which stores history data indicative of the change in the operating condition and the state of the operating quality corresponding to the change (column 7 line 56 – column 8 line 30).

3) A unit which displays the history data (Fig 1 item 24).

With respect to claim 4, Riedel discloses an apparatus comprising:

1) A communication unit which gains access to a display device of an industrial machine operated in accordance with an operating condition through a communication medium (Fig 4 item 208).

2) A unit which reads history data indicative of a change in the operating condition and a state of an operating quality corresponding to the change in the operating condition from the display device using the communication unit (Fig 4 item 208).

3) A unit which stores the history data (Fig 4 item 210).

2.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US pat 5461570).

With respect to claim 1, Wang discloses an apparatus comprising:

1) A unit which inputs a state of an operating quality for a change in the operating condition (Fig 1 items 11-20 and 22).

2) A storage process unit which stores history data indicative of the change in the operating condition and the state of the operating quality corresponding to the change (Fig 1 storage in item 100 and Figs 4b, 11, 13a-13b, 14-16a).

3) A unit which displays the history data (Fig 1 items 404 405).

With respect to claim 2, Wang discloses that the storage process unit records data indicative of product identification data indicating a product produced by the industrial machine in accordance with the change in the operating condition and the history data corresponding to the product identification data (Figs 13a-b items 660 660').

With respect to claim 3, Wang discloses that the history data and the product identification data are used for assisted software for assisting an operating condition setting operation (Figs 13a-b items 660 660' and figs 14-16b).

With respect to claim 4, Wang discloses an apparatus comprising:

Art Unit: 2863

1) A communication unit which gains access to a display device of an industrial machine operated in accordance with an operating condition through a communication medium (Fig 1 item 99).

2) A unit which reads history data indicative of a change in the operating condition and a state of an operating quality corresponding to the change in the operating condition from the display device using the communication unit (Figs 1, 6 and column 8 lines 8-35). Specifically the supervisory subcomponents that request and collect data from other subcomponents.

3) A unit which stores the history data (storage icon in the supervisor node Fig 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Moffat whose telephone number is (571) 272-2255.


The examiner can normally be reached on Mon-Fri, from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/13/07

JM


John Barlow
Supervisory Patent Examiner
Technology Center 2800